

BEFORE THE OFFICE OF CAMPAIGN FINANCE
DISTRICT OF COLUMBIA BOARD OF ELECTIONS AND ETHICS
FRANK D. REEVES MUNICIPAL BUILDING
2000-14th STREET, N.W., SUITE 420
WASHINGTON, D.C. 20009
(202) 671-0550

IN THE MATTER OF)	DATE: October 24, 2003
)	
Deborah Wood Dorsey)	DOCKET NO.: 03F-125
Chair)	
Commission on Human Rights)	
4000 Massachusetts Avenue, NW, #1032)	
Washington, DC 20016)	

ORDER

Statement of the Case

This matter came before the Office of Campaign Finance (hereinafter OCF) Office of General Counsel following a determination by its Public Information Records Management Division, that pursuant to the D.C. Code §1-1106.02 (2001 Edition), Deborah Wood Dorsey, Chair, Commission on Human Rights (Commission), failed to timely file, a Financial Disclosure Statement for calendar year 2002, on or before May 15, 2003 as required by D.C. Official Code §1-1106.02 and also failed to file on or before the OCF sanctioned extended filing deadline of June 19, 2003.

By Notice of Hearing, Statement of Violations and Order of Appearance dated August 8, 2003, OCF ordered Deborah Wood Dorsey (hereinafter respondent), to appear at a scheduled hearing on August 21, 2003 and show cause why she should not be found in violation of the D.C. Campaign Finance Reform and Conflict of Interest Act of 1974, as amended by D.C. Official Code §§1-1101.01 et seq., and fined accordingly.

Summary of Evidence

OCF alleges that the respondent failed to timely file the statutorily required Financial Disclosure Statement for calendar year 2002, on or before June 19, 2003.

On August 21, 2003, respondent appeared at the scheduled hearing and testified that she did not receive notices from OCF as mail delivery in her building is problematic due to another tenant bearing her last name, resulting in mis-deliveries. Further, respondent stated that there was no mention of the requirement to file an FDS at the Commission's last two (2) meetings. Respondent stated she has served on the Commission since the fall of 1999, and has filed FDS reports timely in prior years.

Respondent stated she rectified the filing delinquency as soon as she became aware of it. At the hearing, respondent presented a letter from Mario Acosta-Velez, Vice Chair, Commission on Human Rights, attesting to respondent's high level of responsibility and effective leadership as Chair of the Commission. Respondent further presented an affidavit stating she did not receive OCF's original notice or a Financial Disclosure Statement, or any subsequent notices. Respondent filed the required FDS online on August 19, 2003.

Findings of Fact

Having reviewed the allegations and the record herein, I find:

1. Respondent was a delinquent filer in 2002 for calendar year 2001.
2. Respondent was required to file a Financial Disclosure Statement with OCF for calendar year 2002, on or before June 19, 2003.
3. Respondent filed the required Financial Disclosure Statement on August 19, 2003.
4. Respondent asserted she did not receive notices from OCF to file a Financial Disclosure Statement.
5. Respondent further asserted that mail is misdelivered in her residential building due to a tenant with the same last name.
6. Respondent provided a credible explanation for the filing delinquency in that she believed that notices from OCF may have been misdelivered, and that she filed with OCF as soon as she became aware of the oversight.
7. Respondent is currently in compliance with the statute.

Conclusions of Law

Based upon the record provided by OCF, I therefore conclude:

1. Respondent violated D.C. Official Code §1-1106.02.
2. The penalty established at D.C. Official Code §1-1103.05(b)(3), and 3 DCMR §§3711.2(aa), 3711.2 and 3711.4 for failure to timely file a Financial Disclosure Statement required by D.C. Official Code §1-1106.02 is a fine of \$50.00 per day for each business day subsequent to the due date.

IN THE MATTER OF: Deborah Wood Dorsey
Page 3

3. In accordance with D.C. Official Code §1-1103.05(b)(3), the respondent may be fined a maximum of \$2,000.00 for failing to timely file a Financial Disclosure Statement.
4. For good cause shown pursuant to 3 DCMR §3711.6, the Director of Campaign Finance (Director) may modify, rescind, dismiss or suspend any fine.
5. Respondent's explanation for failing to timely file constitutes good cause for suspension of the fine.

Recommendation

In view of the foregoing and information included in the record, I hereby recommend that the Director suspend the imposition of the fine in this matter.

Date

Jean Scott Diggs
Hearing Officer

Concurrence

In view of the foregoing, I hereby concur with the Recommendation.

Date

Kathy S. Williams
General Counsel

ORDER OF THE DIRECTOR

IT IS ORDERED that the fine in this matter be hereby suspended.

Date

Cecily E. Collier-Montgomery
Director

SERVICE OF ORDER

This is to certify that I have served a true copy of the foregoing Order.

Rose Rice
Legal Assistant

NOTICE

Pursuant to 3 DCMR §3711.5 (1999), any fine imposed by the Director shall become effective on the 16th day following the issuance of a decision and order, if the respondent does not request an appeal of this matter. If applicable, within 10 days of the effective date of this order, please make a check or money order payable to the D.C. Treasurer, c/o Office of Campaign Finance, Suite 420, 2000-14th Street, N.W., Washington, D.C. 20009.